

REVISED ORDINANCE
ORDINANCE NO. 20060406-064

Item # 64PH

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 7629, 7715, AND 7739 WEST STATE HIGHWAY 71 FROM RURAL RESIDENCE (RR) DISTRICT TO NEIGHBORHOOD COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (LR-MU-CO) COMBINING DISTRICT FOR TRACT ONE AND LIMITED OFFICE-MIXED USE-CONDITIONAL OVERLAY (LO-MU-CO) COMBINING DISTRICT FOR TRACT TWO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base districts on the property described in Zoning Case No. C14-05-0200, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From rural residence (RR) district to neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district.

A 4.1569 acre tract of land, more or less, out of the A.J. Bond Survey No. 91, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and

Tract Two: From rural residence (RR) district to limited office-mixed use-conditional overlay (LO-MU-CO) combining district.

A 1.2498 acre tract of land, more or less, out of the A.J. Bond Survey No. 91, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance (the "Property"),

locally known as 7629, 7715, and 7739 West State Highway 71, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. A 50-foot wide vegetative buffer shall be provided and maintained along the southeast property line adjacent to a single family residence district zoned property. Improvements permitted within the buffer zone are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance

2. A building or structure constructed on the Property within 150 feet of an adjacent single family district zoned property:
 - a) may not exceed a height of 28 feet from ground level; and
 - b) may not exceed a height of one story.

3. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

4. Drive-in service is prohibited as an accessory use to a commercial use on Tract One.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on April 17, 2006.

PASSED AND APPROVED

_____ April 6 _____, 2006 §
 §
 §

 Will Wynn
 Mayor

APPROVED: _____ **ATTEST:** _____
 David Allan Smith Shirley A. Gentry
 City Attorney City Clerk

C14-05-0200

TRACT ONE

Zoning Tract One

EXHIBIT A

METES AND BOUNDS DESCRIPTION

Being all that certain 4.1569 acre tract or parcel of land situated in the A. J. BOND SURVEY NO. 91, Travis County, Texas, and being out of and part of three (3) tracts: (a) 4.9863 acres (called 5.00 acres) as described in Deed to Eric Yerkovich recorded in Volume 12560, Page 2053, Travis County Real Property Records (TCRPR); (b) 3.0076 acres (called 3.00 acres) as described in Deed to Eric Yerkovich recorded in Document No. 2005067084, Travis County Official Public Records; and (c) 1.3086 acres (called 1.31 acres) as described in Deed to Michael W. Bomer recorded in Volume 12588, Page 1217, TCRPR; said 4.1569 acres being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at an iron pipe found marking the Northeast corner hereof, same being the Northeast corner of said 1.3086 acre tract, same being the Northwest corner of Lot 1, LARSON OAKS ADDITION, a subdivision according to the map or plat thereof recorded in Volume 24, Page 21, Travis County Plat Records (TCPR), same being located in the curving Southerly right-of-way line of U.S. Highway 71 (West);

THENCE, South 29°58'51" West, with the East line of said 1.3086 acre tract, a distance of 230.02 feet to an iron pipe found marking the Southeast corner of said 1.3086 acre tract and the Northeast corner of said 3.0076 acre tract;

THENCE, South 28°43'05" West, with the East line of said 3.0076 acre tract and the West line of said Lot 1, a distance of 57.35 feet to an iron pipe found marking an angle point hereof, same being the Southwest corner of said Lot 1 and the Northwest corner of Lot 51, SCENIC BROOK WEST, SECTION ONE, according to the map or plat thereof recorded in Volume 49, Page 14, TCRPR;

THENCE, South 29°56'27" West, with the East line of said 3.0076 acre tract and the West line of said SCENIC BROOK WEST, SECTION ONE, a distance of 124.43 feet to a point for the Southeast corner hereof;

THENCE, North 37°35'26" West, a distance of 226.42 feet to a point for corner in the common line of said 3.0076 acre and 4.9863 acre tracts;

THENCE, continue, North 37°35'26" West, a distance of 253.66 feet to a point for corner in the West line of said 4.9863 acre tract;

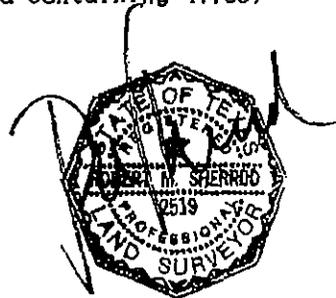
THENCE, North 29°53'20" East, with the West line of said 4.9863 acre tract, a distance of 398.85 feet to an iron rod set marking the Northwest corner hereof, same being located in the said South right-of-way line of U.S. Highway 71;

THENCE, South 40°12'00" East, with the said South right-of-way line of U.S. Highway 71, a distance of 250.00 feet to an iron pipe found marking the common North corner of said 4.9863 acre and 1.3086 acre tracts;

THENCE, in a Southeasterly direction along the arc of a curve to the right and with the said South right-of-way line of U.S. Highway 71, said curve having a radius of 5651.59 feet, a chord bearing and distance of South 37°47'28" East-225.91 feet to the POINT OF BEGINNING and containing 4.1569 acres of land.

BASIS OF BEARINGS: Vol. 8532, Pg. 284, TCRPR

Compiled By:
Robert M. Sherrrod, R.P.L.S.
GEO, A Geographical Land Services Co.
4412 Spicewood Springs Road, #1002
Austin, Texas 78759
March 3, 2006
GEO Job No. 0511324



Zoning Tract Two.

EXHIBIT B

METES AND BOUNDS DESCRIPTION

Being all that certain 1.2498 acre tract or parcel of land situated in the A. J. BOND SURVEY NO. 91, Travis County, Texas, and being out of and part of two (2) tracts: (a) 4.9863 acres (called 5.00 acres) as described in Deed to Eric Yerkovich recorded in Volume 12560, Page 2053, Travis County Real Property Records (TCRPR); and (b) 3.0076 acres (called 3.00 acres) as described in Deed to Eric Yerkovich recorded in Document No. 2005067084, Travis County Official Public Records; said 1.2498 acres being more particularly described by metes and bounds as follows, to-wit:

COMMENCING at an iron pipe found marking the Northeast corner hereof, same being the Northeast corner of a 1.3086 acre tract, as described in Deed to M. W. Bomor recorded in Volume 12588, Page 1287, TCRPR, same being the Northwest corner of Lot 1, LARSON OAKS ADDITION, a subdivision according to the map or plat thereof recorded in Volume 24, Page 21, Travis County Plat Records (TCPR), same being located in the curving Southerly right-of-way line of U.S. Highway 71 (West);

THENCE, South $29^{\circ}58'51''$ West, with the East line of said 1.3086 acre tract, a distance of 230.02 feet to an iron pipe found marking the Southeast corner of said 1.3086 acre tract and the Northeast corner of said 3.0076 acre tract;

THENCE, South $28^{\circ}43'05''$ West, with the East line of said 3.0076 acre tract and the West line of said Lot 1, a distance of 57.35 feet to an iron pipe found marking an angle point hereof, same being the Southwest corner of said Lot 1 and the Northwest corner of Lot 51, SCENIC BROOK WEST, SECTION ONE, according to the map or plat thereof recorded in Volume 43, Page 14, TCRPR;

THENCE, South $29^{\circ}56'27''$ West, with the East line of said 3.0076 acre tract and the West line of said SCENIC BROOK WEST, SECTION ONE, a distance of 124.43 feet to an iron rod set marking the Northeast corner and POINT OF BEGINNING hereof;

THENCE, continue, South $29^{\circ}56'27''$ West, with the said East line of the 3.0076 acre tract, a distance of 30.57 feet to a point for corner hereof;

THENCE, North $60^{\circ}10'42''$ West, a distance of 208.99 feet to a point for corner in the common line of said 4.9863 acre and 3.0076 acre tracts;

THENCE, continue, North $60^{\circ}10'42''$ West, a distance of 234.46 feet to a point for corner in the West line of said 4.9863 acre tract;

THENCE, North $29^{\circ}53'20''$ East, with the West line of said 4.9863 acre tract, a distance of 214.97 feet to the Northwest corner hereof;

THENCE, South $37^{\circ}35'26''$ East, a distance of 253.66 feet for a point for corner in the common line of said 4.9863 acre and 3.0076 acre tracts;

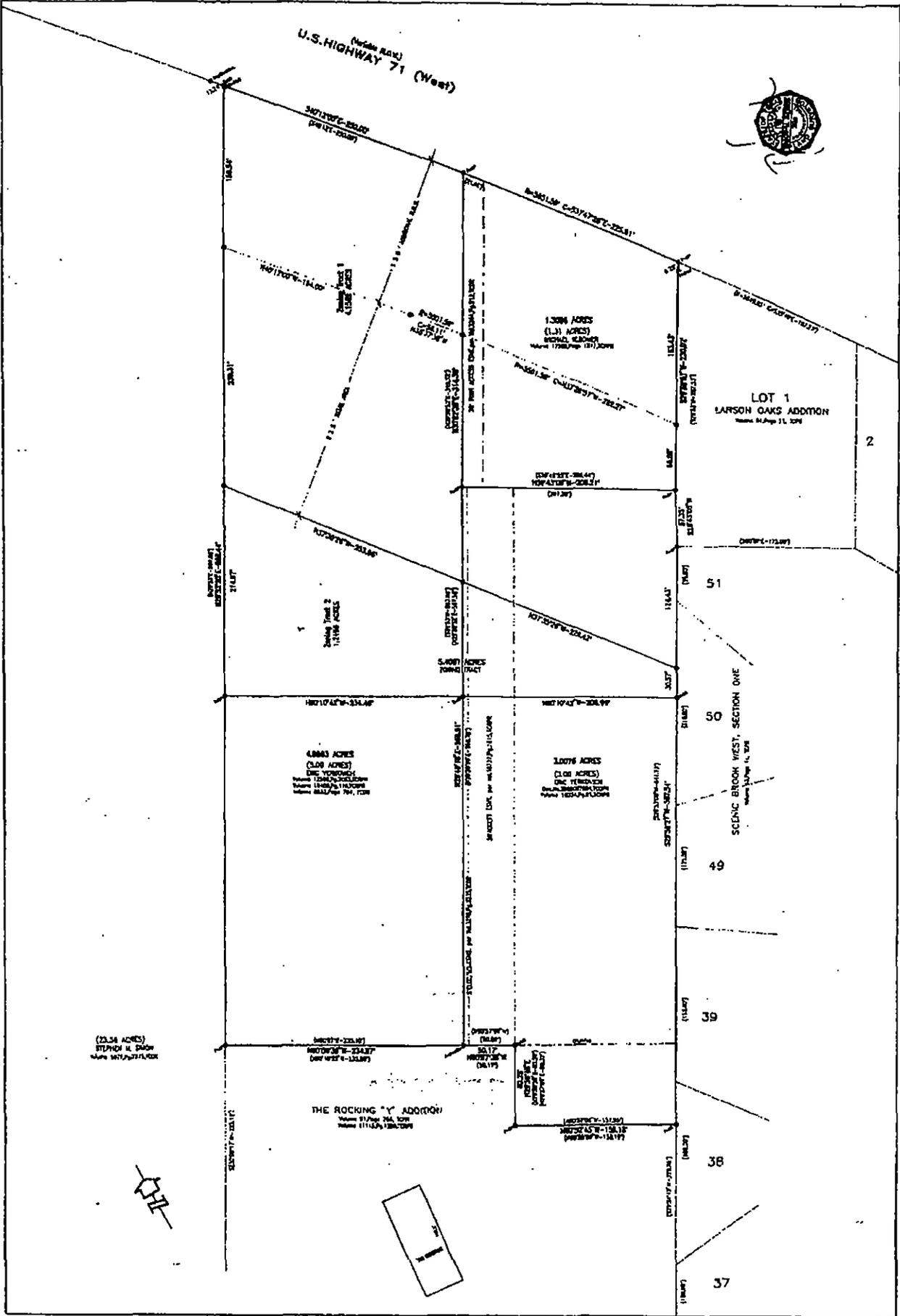
THENCE, continue, South $37^{\circ}35'26''$ East, a distance of 226.42 feet to the POINT OF BEGINNING and containing 1.2498 acres of land.

BASIS OF BEARINGS: Vol. 8532, Pg. 284, TCRPR

Compiled By:
Robert M. Sherrod, R.P.L.S.
GEO, A Geographical Land Services Co.
4412 Spicewood Springs Road, #1002
Austin, Texas 78759
March 3, 2006
GEO Job No. 0511324



U.S. HIGHWAY 71 (West)



(23.56 ACRES)
STEPHEN H. BROWN
Map No. 1071-215-102

THE ROCKING "Y" ADDITION
Map No. 81-104-266, 1076
Map No. 111-153-128-1026

LOT 1
LARSON OAKS ADDITION
Map No. 81-104-266

SCENIC BROOK WEST SECTION ONE
Map No. 81-104-266

37

38

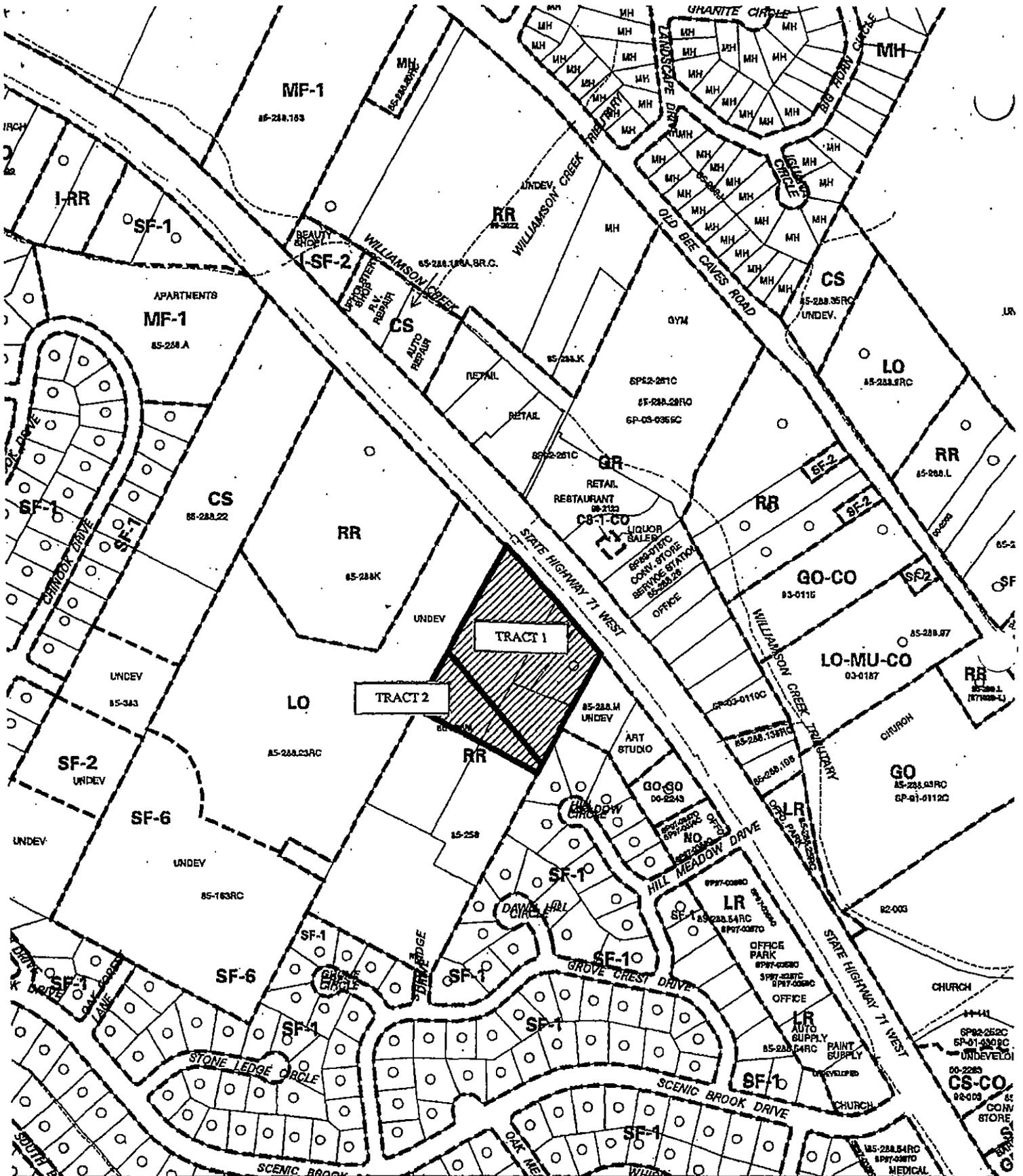
39

49

50

51

2



<p>1" = 400'</p>	<p>SUBJECT TRACT</p> <p>PENDING CASE</p> <p>ZONING BOUNDARY</p> <p>CASE MGR: W.WALSH</p>	<p>ZONING EXHIBIT C</p> <p>CASE #: C14-05-0200</p> <p>ADDRESS: 7629, 7715 & 7739 W SH</p> <p>SUBJECT AREA (acres): 1.310</p>	<p>DATE: 06-03</p> <p>INTLS: SM</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>B20</p>
	<p>71</p>			